

STATE OF NEW MEXICO'S RULE 71.3 REPORT – FY 2022
EXHIBIT A: LOWER RIO GRANDE ADJUDICATION BUREAU
August 6, 2021

Pursuant to the requirements of NMRA Rule 1-071.3, the State of New Mexico presents its report setting out the State's priorities and available resources for the state stream system adjudication, in the Lower Rio Grande Adjudication Bureau for fiscal year 2022 (July 1, 2021 to June 30, 2022), which will be filed in each adjudication. The available resources are based upon full time employee ("FTE") time, including staff and contractors, and are listed in Table 1.

SUMMARY OF AVAILABLE RESOURCES FOR THE LOWER RIO GRANDE ADJUDICATION BUREAU

| | FY2020 FTEs | FY2021 FTEs | FY2022 FTEs |
|--|----------------|----------------|----------------|
| Total Bureau Staff and Contractor Resources | 13.35 | 12.86 | 11.65 |
| A. Lower Rio Grande Adjudication | 12.55 | 12.47 | 11.05 |
| B. Animas Underground Water Basin Adjudication | 0.80 | 0.39 | .60 |

LOWER RIO GRANDE ADJUDICATION PRIORITIES FOR FY 2022

A. General

1. Litigation of proposed or designated stream system/expedited *inter se* issues
 - a. Steam System Issue 104 (United States' interest in the Rio Grande Project). This stream system issue is currently stayed for continuing settlement discussions related to this and other litigation, looking for a comprehensive negotiated solution to issues raised by this steam system issue, by the lawsuit over the Rio Grande operating agreement, and by Texas v. New Mexico.
 - b. Stream System Issue 107 (status of pre-Rio Grande Project surface water rights). This stream system issue is currently stayed along with, and for the same reason as, Stream System Issue 104. There is one appeal from this stream system issue, arising out of the Court's striking of the purported Notice of Participation by dismissed claimant Scott Boyd. That order was affirmed by the Court of Appeals on June 24, 2021.
 - c. The dismissal of the Pre-1906 Claimants' expedited *inter se* is also on appeal. This case is on the Court of Appeal's General Calendar. Briefing has not begun.
 - d. Toby Romero subfile. The New Mexico Supreme Court granted Toby Romero's petition for writ of certiorari to review the Court of Appeals' affirmance of the adjudication court's adoption of the special master's finding that the railroad water

right was partially forfeited. The case is fully briefed and awaiting decision from the Court.

- e. Copper Flat Mine expedited *inter se*. Oral argument was held on April 1, 2021, in the Court of Appeals in this appeal of Mendenhall, forfeiture and abandonment issues arising out of water rights related to the Copper Flat mine. The case is awaiting decision from the Court.
- f. Rice/Packard subfiles. The parties reached agreement on the disputed issue of the amount of irrigated acreage associated with these two neighboring subfiles. The State submitted the signed offers of judgment for these two subfiles to the Court.
- g. Apodaca Cervantes. This subfile concerns a challenge to the State's denial of a claim to a greater FDR than 4.5 acre-feet per acre per year. Mediation failed to resolve it, and a scheduling conference was requested by the State on March 4, 2020. A scheduling conference is expected to be set shortly.

2. Other non-LRG litigation.

Texas v. New Mexico. The LRG Adjudication Bureau legal, support, and technical staff have been and will continue to be involved in support for discovery and trial preparation. Trial is scheduled to begin September 3, 2021, in Cedar Rapids, Iowa.

3. Negotiation with major parties.

None now pending other than the negotiations related to the Stream System Issue 104 and Stream System Issue 107 stay.

4. Mediation of other substantive issues.

None of substantive consequence.

5. Other special procedures and procedural motions in the LRG

- a. Continuing authentication of claims to historical groundwater use for claimants seeking to add groundwater component to their adjudicated and unadjudicated surface water rights, in conjunction with permitting applications to the District IV office.
- b. Implementation of Stream System Issue 108, retroactive determination of EBID surface water amounts and places of use for subfiles entered before the settlement of Stream System Issue 101.
- c. The State still intends to file a motion to expand the scope of Implied Consent to include instances where all objections are met and where documented verbal consent is not followed by a written stipulation.
- d. A motion to exclude certain smaller surface water livestock impoundments from the adjudication was filed on October 4, 2019.

B. Lower Rio Grande Adjudication, Routine Subfile Processing

1. Routine subfile processing encompasses most of the bureau's everyday work, including updating the Hydrographic Survey, creating new maps to conform to multiple point and polygon requirements, analyzing claims for a larger Farm Deliver Requirement, legal review of proposed offers, service of offers, revised offers or duplicates, reviewing objections, discussions with objecting claimants by survey or legal staff, default and implied consent requests, correcting entered orders with typographical errors and re-opening entered orders needing significant correction.
2. The preparatory work for the creation of new subfile offers is focused in the Northern and Southern Mesilla sections, though work actively continues in all sections. The continuing receipt of Hydrographic Survey Change Requests (HSCR) for all sub-basins prevents the hydrographic survey staff from working in one sub-basin exclusively.
3. We served the offer for the last unadjudicated subfile in Nutt Hockett. The parties and Court approved the offer, and Nutt Hockett is now 100% completed.
4. The status of all sections as of July 19, 2021, is:
 - a. Nutt Hockett: 43 subfiles, 100% served, 100% adjudicated
 - b. Rincon: 1238 subfiles, 97% served, 85% adjudicated
 - c. Northern Mesilla: 5912 subfiles, 61% served, 41% adjudicated
 - d. Southern Mesilla: 5504 subfiles, 62% served, 47% adjudicated
 - e. Outlying Areas: 1360 subfiles, 83% served, 74% adjudicated
5. The LRG adjudication bureau recently transitioned to a new server. Survey staff use the servers to make edits to the hydrographic survey and to generate maps for the offers. The prior server was obsolete and without technical support. Frequent problems highlighted the risk of losing data in the event of a crash. The new server is more reliable and has tech support. Maps are now in color and are more legible. We transitioned to the new server on July 12, 2021, but development and tweaks to the system will continue.
6. Las Cruces Office lease expired July 31, 2021 and is now holding over on a month by month basis. We started the process of looking for office space in April. We advertised for requests for proposals, but we did not receive many applicants. We will be re-advertising. The owner did not put in a bid the first time, so it is likely that the office will be moving. James Hangen is part of the office group overseeing the lease issues with the office.

7. The Office continued to do field visits, although not at pre-shutdown level. Staff worked with claimants primarily over the phone or computer.

ANIMAS UNDERGROUND WATER BASIN ADJUDICATION PRIORITIES FOR FY 2022

1. J & C Victor Trust appealed a decision by Judge Robinson to not reconsider the basin-wide FDR set in a 2012. The appeal has been fully briefed and awaiting a decision from the Court of Appeals.
2. As of July 19, 2021, there are 186 Animas subfiles, of which 88% have been served, and 70% have been adjudicated.
3. Besides service of subfiles, the current focus of the adjudication includes resolving subfiles in which the claimant has rejected the proposed judgment offered by the State.

Table 1: Lower Rio Grande Bureau Resources Allocated

| PRIORITY ADJUDICATION SECTION | Staff Atty | Contract Atty | Staff Paralegal | Survey Staff | Data/IT Staff | Section Totals |
|--|-------------|---------------|-----------------|--------------|---------------|----------------|
| Lower Rio Grande Adjudication | | | | | | |
| A. General | 0.20 | - | 0.15 | 0.65 | | 1.00 |
| B. Rincon | 0.05 | - | 0.05 | 0.20 | | 0.30 |
| C. N. Mesilla | 1.30 | - | 1.10 | 4.40 | | 6.80 |
| D. S. Mesilla | 0.55 | - | 0.50 | 1.85 | | 2.90 |
| E. Outlying | 0.00 | - | 0.00 | .05 | | 0.05 |
| Category Totals: LRG | 2.10 | - | 1.80 | 7.15 | | 11.05 |
| Animas Underground Water Basin Adjudication | | | | | | |
| Animas | 0.05 | 0.15 | - | 0.40 | | 0.60 |
| | 0.05 | 0.15 | - | 0.40 | | 0.60 |
| CATEGORY TOTALS - ALL SECTIONS | 2.15 | 0.15 | 1.80 | 7.55 | | 11.65 |

STATE OF NEW MEXICO'S RULE 71.3 REPORT
FY 2022 (July 1, 2021 to June 30, 2022)

EXHIBIT B: PECOS ADJUDICATION BUREAU

August 6, 2021

Pursuant to the requirements of NMRA Rule 1-071.3, the State of New Mexico presents its report setting out the State's priorities and available resources for the state stream system adjudication, *State of N.M. & PVACD v. Lewis*, Case Nos. 20294 & 22600 (Consolidated), in the Pecos Adjudication Bureau for fiscal year 2022 (July 1, 2021 to June 30, 2022). The available resources are based upon full time employee ("FTE") time as of the date of this filing, including contractors, and are listed in Table 1.

SUMMARY OF AVAILABLE RESOURCES FOR PECOS ADJUDICATION BUREAU

| | | FY2021 FTEs | FY2022 FTEs |
|----|--|----------------|----------------|
| | Total Bureau Staff and Contractor Resources | 6.55 | 6.30 |
| 01 | A. Roswell Underground Water Basin ("RAB") | 2.35 | 3.15 |
| 02 | B. Carlsbad – Intrepid Potash | 1.20 | .75 |
| 03 | C. Upper Pecos Surface Water - Cow Creek | 1.00 | .85 |
| 04 | D. Upper Pecos Underground Water Basin | .75 | .35 |
| 05 | E. Gallinas River | .60 | .60 |
| 06 | F. Pecos General | .50 | .45 |
| 07 | G. City of Las Vegas | .10 | .15 |
| 08 | H. Carlsbad – Carlsbad Irrigation District - completed | .05 | 0 |
| 09 | I. Hondo Underground Water Basin | - | - |
| 10 | J. Carlsbad - Carlsbad Underground Water Basin | - | - |
| 11 | K. Peñasco Underground Water Basin | - | - |
| 12 | L. Fort Sumner Irrigation District | - | - |
| 13 | M. Carlsbad – Black River | - | - |
| 14 | N. Rio Hondo Surface Water | - | - |
| 15 | O. Pecos – Other | - | - |

PECOS ADJUDICATION PRIORITIES FOR FY 2022

A. ROSWELL UNDERGROUND WATER BASIN ("RAB")

1. Evaluate and adjudicate pending relation back claims.
 - a. Identification of water rights subject to relation back claims.
 - b. Determination of current status of water rights.
 - c. Identification of owners of water rights subject to relation back claims.

- d. Development of proposed procedural order for proceeding with relation back claims.
- e. Notification of relation back proceeding to claimants.
- f. Consultation with claimants.
- g. Enter into consent orders for resolved relation back claims.

2. Litigate contested relation back claims.

B. CARLSBAD – INTREPID POTASH

- 1. Trial completed December 2020. Waiting for ruling from Court.

C. UPPER PECOS SURFACE WATER – COW CREEK

- 1. Preparation and filing of procedural and scheduling issues to proceed with subfile adjudication.
- 2. Primary sub-file work and service of proposed consent orders.
- 3. File motions for entry of consent orders for resolved subfiles.

D. UPPER PECOS UNDERGROUND WATER BASIN

- 1. Continue hydrographic survey of Upper Pecos groundwater uses, including expansion areas.

E. GALLINAS RIVER

- 1. Complete *inter se* proceeding. NMDOT and the State have reached a settlement on multiple subfiles and await a ruling on motion for entry of order. All other subfiles have been adjudicated.
- 2. Prepare partial final judgment and decree for surface water rights with addendum summarizing adjudicated water rights, and seek entry of partial final judgment and decree.

F. PECOS – GENERAL

- 1. Analyze priorities for subsection adjudication and determine legal and procedural approaches and opportunities to expedite the Pecos adjudication.

G. CITY OF LAS VEGAS REMAND PROCEEDING

- 1. Special Master's Report filed in September 2018 to resolve City of Las Vegas equitable water right and proposing remedy.
- 2. Mediation process to resolve City of Las Vegas water rights and equitable remedy involving the acequias was not successful. The parties held a hearing before the Court and are waiting for a decision.

H. CARLSBAD – CARLSBAD IRRIGATION DISTRICT – completed FY2017

I. HONDO UNDERGROUND STREAM SYSTEM – not a priority for FY2022

J. CARLSBAD – CARLSBAD UNDERGROUND WATER BASIN – not a priority for FY2022

K. PEÑASCO UNDERGROUND WATER BASIN – not a priority for FY2022

L. FORT SUMNER IRRIGATION DISTRICT – not a priority for FY2022

M. CARLSBAD - BLACK RIVER – not a priority for FY2022

N. RIO HONDO SURFACE WATER – not a priority for FY2022

O. PECOS – OTHER – not a priority for FY2022

Table 1: Pecos Adjudication Bureau Priority Sections & Resources Allocated – FY 2021

| PRIORITY ADJUDICATION SECTION | Staff Atty | Contract Atty | Staff Para-legal | Survey Staff | Data /IT Staff | Section Totals |
|--|-------------|---------------|------------------|--------------|----------------|----------------|
| A. Roswell Underground Water Basin (RAB) | .90 | 1.20 | .45 | .50 | 0.10 | 3.15 |
| B. Carlsbad – Intrepid Potash | .20 | .25 | .10 | .20 | - | .75 |
| C. Upper Pecos Surface Water – Cow Creek | .40 | | .20 | .15 | .10 | .85 |
| D. Upper Pecos Underground Water Basin | | | | .35 | | .35 |
| E. Gallinas River | .15 | .05 | .15 | .15 | .10 | .60 |
| F. Pecos General | .10 | .05 | .05 | .25 | | .45 |
| G. City of Las Vegas | .10 | | .05 | | | .15 |
| H. Carlsbad – Carlsbad Irrigation District | | | | | | |
| I. Hondo Surface Water Basin | | | | | | |
| J. Hondo Underground Water Basin | | | | | | |
| K. Carlsbad – Carlsbad Underground Basin | | | | | | |
| L. Peñasco Underground Water Basin | | | | | | |
| M. Ft. Sumner Irrigation District | | | | | | |
| N. Carlsbad – Black River | | | | | | |
| O. Pecos –Other | | | | | | |
| CATEGORY TOTALS - ALL SECTIONS | 1.85 | 1.55 | 1.00 | 1.60 | .30 | 6.30 |

STATE OF NEW MEXICO'S RULE 71.3 REPORT
FY 2022 (July 1, 2021 to June 30, 2022)
EXHIBIT C: NORTHERN NEW MEXICO ADJUDICATION BUREAU
August 6, 2021

Pursuant to the requirements of NMRA Rule 1-071.3, the State of New Mexico presents its report setting out the State's priorities and available resources for the state and federal stream system adjudications in the Northern New Mexico Adjudication Bureau for fiscal year 2022 (July 1, 2021 to June 30, 2022), which will be filed in each adjudication. The available resources are based upon full time employee ("FTE") time as of the date of this filing, including contractors, and are listed in Table 1.

SUMMARY OF AVAILABLE RESOURCES FOR NORTHERN NEW MEXICO ADJUDICATION BUREAU

| | FY2021 FTEs | FY2022 FTEs |
|--|----------------|----------------|
| Total Bureau Staff and Contractor Resources | 13.70 | 12.40 |
| State Adjudications: | | |
| A. San Juan Adjudication | 5.00 | 4.15 |
| B. San Jose Adjudication (<i>Kerr-McGee</i>) | .80 | .75 |
| C. Santa Fe Adjudication (<i>Anaya</i>) | - | - |
| Federal Adjudications: | | |
| D. Chama Adjudication (<i>Aragon</i>) | 3.20 | 3.20 |
| E. Taos Adjudication (<i>Abeyta</i>) | 2.85 | 2.60 |
| G. Zuni Adjudication (<i>A&R</i>) | .95 | .85 |
| F. Santa Cruz/Truchas Adjudication | .40 | .30 |
| H. Jemez Adjudication (<i>Abousleman</i>) | .30 | .35 |
| I. Nambé, Pojoaque, Tesuque Adjudication (<i>Aamodt</i>) | .20 | .20 |

STATE COURT ADJUDICATIONS - PRIORITIES FOR FY 2022

I. SAN JUAN ADJUDICATION, *New Mexico v. U.S., Jicarilla Apache Tribe and Navajo Nation, Case No. D-1116-CV-75-184 (11th Judicial District, San Juan County)*

A. General San Juan Adjudication:

Research and analyze legal and procedural approaches and opportunities to expedite Adjudication

1. Promulgate AWRM District Specific Rules and establish meeting schedule with parties to the Navajo Settlement Agreement to address issues;
2. File motion to exclude domestic and livestock permitted wells from the adjudication.

B. Indian Claims:

1. Navajo Nation Water Rights Settlement

Proceedings on appeal of Partial Final Judgment and Decree and Supplemental Partial Final Judgment and Decree in New Mexico Supreme Court completed:

- a. N.M. Court of Appeals – Navajo Appeal (Case No. 33, 437)
Memorandum Opinion issued on 4/3/18 (and rehearing denied), upholding District Court.
- b. Supreme Court – Navajo Appeal (Case No. S-1-SC-37068)
Writ of Certiorari granted 8/13/18 re: preemption issue and dismissed as improvidently granted in March 2021.

2. Ute Mountain Ute Tribe

- a. Settlement meetings reinitiated in August, 2019 and will continue through 2022.
- b. Motion to extend deadline for filing proposed procedural order for expedited *inter se* to March 2022 filed and parties are waiting for order.

C. Non-Indian Claims:

1. Section 1: La Plata

- a. Adjudicate domestic and stock water uses through procedural order and order to show cause entered 3/4/19.
- b. Commence *inter se* proceeding and entry of partial final judgment and decree on surface irrigation, domestic and stock water uses previously adjudicated in Echo Ditch Decree.
 - Reconcile maps and orders and preparation of summary of adjudicated water rights (Addendum).
 - File motions amending/correcting subfile orders.
 - File motion for procedural and scheduling order for *inter se*.
 - Resolve *inter se* objections through litigation or mediation.
 - Brief entry of Partial Final Judgment and Decree.

2. City of Aztec, Farmington and Bloomfield

- a. Continue discussions regarding terms of consent orders with each municipality, including analysis of Bloomfield's claims, to implement settlement agreements and prepare proposed orders for consideration by the Court.

3. Section 2: Animas – *not scheduled for FY2022*

4. Section 3: San Juan Mainstem – *not scheduled for FY2022*

5. Section 4: Hammond Conservancy District – *not scheduled for FY2022*

6. Section 5: Los Pinos and Navajo Rivers – *not scheduled for FY2022*

7. Adjudication of Groundwater Rights – *not scheduled for FY2022*

II. SAN JOSE ADJUDICATION, *New Mexico v. Kerr-McGee Corp.*, Case No. CB-83-190-CV & CB-83-220-CV (consolidated) (13th Judicial District, Cibola County)

A. Indian Claims:

- 1. Subproceeding 1: Past and Present Use Water Rights of Pueblos of Acoma and Laguna:**
 - a. Settlement discussions continue with mediator.
 - b. Analyze state based rights claims.
 - c. Draft framework for administering Basin water rights.
- 2. Subproceeding on all other Pueblo Claims:**
 - a. Settlement discussions actively continue with mediator.
 - b. Analyze Pueblos' future use and out-of-Basin claims.
- 3. Subproceeding on Navajo claims:** Settlement discussions include Navajo Nation claims.

B. Non-Indian Claims: *not scheduled for FY2022*

III. SANTA FE ADJUDICATION, *Anaya v. Public Service Co. of New Mexico*, Case No. 43, 347 (1st Judicial District, Santa Fe County)

A. Non-Indian Claims – *not scheduled for FY2022*

FEDERAL COURT ADJUDICATIONS - PRIORITIES FOR FY 2022

I. CHAMA ADJUDICATION, *N.M. v. Aragon*, Case No. 69cv07941-MV/KK (U.S.D.Ct., N.M.)

A. Non-Indian Claims

- 1. Section 1: Chama Mainstream - PFJD entered 7/26/71**
- 2. Section 1: Rio del Oso**
 - a. Complete adjudication of individual subfiles, including potential litigation with the Merced del Pueblo Abiquiu.
- 3. Section 2: Ojo Caliente – *not scheduled for FY2021***
- 4. Section 3: Rio Nutrias – PFJD entered 7/14/13**
- 5. Section 3: Rio Cebolla**
 - a. Acequia and private ditch priority dates were determined in FY 2019.
 - b. Determine irrigation water requirements (in negotiation with Asociacion de Acequias Norteñas).
 - c. Prepare addendum summarizing surface water irrigation rights and hydrographic

- survey maps.
- d. Commence *inter se* and move for entry of partial final judgment and decree for surface water irrigation rights.

6. **Section 3: Canjilon Creek**

- a. Determine acequia and private ditch priority dates. One objection remains that will be addressed with a motion for summary judgment.
- b. Determine irrigation water requirements (in negotiations with Asociacion de Acequias Norteñas).
- c. Prepare addendum summarizing surface water irrigation rights and hydrographic survey maps.
- d. Commence *inter se* and move for entry of partial final judgment and decree for surface water irrigation rights.

8. **Section 4 – El Rito – PFJD entered 6/25/73**

9. **Section 5 – Rio Gallina – PFJD entered 4/8/10.** Begin hydrographic survey of surface water uses other than irrigation.

10. **Section 6 – Cañones – PFJD entered 2/6/76**

11. **Section 7 – Rito de Tierra Amarilla – PFJD entered FY2019 (10/23/18)**

12. **Section 7 – Rio Brazos**

- a. Determine irrigation water requirements.
- b. Determine acequia and private ditch priority dates for subsections and resolve objections to order to show cause
- c. Resolve objections to order to show cause or litigate claims based on Treaty of Guadalupe Hidalgo.
- d. Remaining issues of priority, irrigation water requirements, and Treaty claims will be addressed on a ditch by ditch basis, beginning with the Parkview Ditch.
- e. Prepare addendum summarizing surface water irrigation rights and hydrographic survey maps.
- f. Commence *inter se* and move for entry of partial final judgment and decree for surface water rights.

13. **Section 7 – Rutherford & Plaza Blanca**

- a. Review status and propose procedure for securing a final determination of priority dates and irrigation water requirements.
- b. Hydrographic survey is updating current information and converting maps into newer format for partial final judgment and decree process to occur next fiscal year.

14. **Section 7 – Cañones Creek**

- a. Review status and propose procedure for securing a final determination of priority dates and irrigation water requirements.

15. **Section 7 – Village of Chama –**
 - a. Review status and propose procedure for securing a final determination of priority dates and irrigation water requirements.
16. **Section 8 – Rio Puerco – PFJD entered August 7, 1969.**
17. File motion to exclude domestic and livestock permitted wells from the adjudication.

B. Indian Claims

1. Ohkay Owingeh – *Subproceeding 1*: Past and Present Use Water Rights
In settlement discussions.
2. Ohkay Owingeh – Subproceeding 2: All other claims.
In settlement discussions.

II. TAOS ADJUDICATION, *New Mexico v. Abeyta*, Case No. CV-69-7896-MV/WPL & No. CV-7939-MV/WPL (consolidated) (U.S.D.Ct., N.M.)

B. Indian Claims

1. Consult with parties concerning implementation of settlement agreement, including (1) locating and constructing mutual benefits projects; (2) implementation of administrative provisions of settlement agreement; and (3) implementation of shortage sharing provisions of settlement agreement.

C. Non-Indian Claims

1. Reconcile subfile orders with WRATS and hydrographic survey maps in preparation for inter se of surface water rights.
2. Determine proposed procedure for adjudication of groundwater rights, including filing a motion to exclude domestic and livestock permitted wells from the adjudication.

III. ZUNI ADJUDICATION, *U.S. v. N.M.*, Case No. 07-cv-00681-MV-JHR (U.S.D.Ct, N.M.)

A. Indian Claims

1. **Subproceeding 1: Zuni Indian Claims**
 - a. Technical work ongoing for development of a hydrological model for settlement negotiations.
 - b. Settlement negotiations ongoing with the Zuni Tribe, the United States federal team, and other stakeholders in the Zuni River stream system.

2. **Subproceeding 2: Ramah Navajo Nation Claims**
Technical work ongoing for settlement discussions.

B. Non-Indian Claims, *U.S. v. N.M. v. A & R Productions*, Case No. 01-cv-00072-MV-JHR (U.S.D.Ct., N.M.)

1. Complete primary subfile work for three remaining subfiles: Discovery completed and Motion for Summary Judgment pending, along with other motions, on the claims of Norma Meech (trial date not yet set); continue consultations or commence

litigation of two associated Meech subfiles.

2. Consult with U.S. on scheduling *inter se* proceedings for 2022 and development of proposed procedural motion, proposed partial final judgment and decree and addendum.

IV. SANTA CRUZ/TRUCHAS ADJUDICATION, *New Mexico v. Abbott*, Case No. 68-7488 MV/WPL (Santa Cruz) and Case No. 70-8650 MV/WPL (Truchas) (N.M. D.Ct., N.M.)

A. Indian Claims

1. Ohkay Owingeh – Subproceeding 1: Past and Present Use Water Rights In settlement discussions.
2. Ohkay Owingeh – Subproceeding 2: All other claims included in settlement discussions.
3. Santa Clara Pueblo – Settlement discussions were expanded to include claims of Santa Clara Pueblo in 2021 and will continue through 2022.
- 4.

C. Non-Indian Claims – not scheduled for FY2020

V. JEMEZ ADJUDICATION, *U.S. v. Abousleman*, Case No. 6:83-cv-01041-MV-JHR (U.S.D.Ct., N.M.)

A. Indian Claims – Jemez Pueblo & Zia Pueblo

1. Tenth Circuit Court of Appeals, Case No. 18-2164 (interlocutory appeal on aboriginal rights granted 10/31/18). Court issued decision 9/29/2020 and remanded for further proceedings.
2. Mediation ongoing with Jemez Pueblo and Zia Pueblo.
3. Resumption of litigation with Santa Ana Pueblo on remand from 10th Circuit Court of Appeals decision.

B. Non-Indian Claims – completed 2000 PFJD

VI. NAMBÉ-POJOAQUE-TESUQUE ADJUDICATION, *New Mexico v. Aamodt*, Case No. 66-cv-6639- MV/WPL (U.S.D.Ct, N.M.) - FJD entered 2017 and case closed.

A. Indian Claims

1. Continue consultation and support regarding implementation issues.

Table 1: Northern New Mexico Adjudication Bureau Priority Sections & Resources

| PRIORITY ADJUDICATION SECTION | Staff Atty | Contract Atty | Staff Paralegal | Survey Staff | Technical Contractor | Data/IT Staff | Section Totals |
|--|-------------|---------------|-----------------|--------------|----------------------|---------------|----------------|
| STATE COURT ADJUDICATIONS | | | | | | | |
| <i>San Juan</i> | | | | | | | |
| General | .20 | .10 | .05 | .10 | .25 | | .70 |
| Section 1 (La Plata) | .50 | | .35 | 1.15 | | .05 | 2.05 |
| Municipalities (Aztec, Bloomfield, Farmington) | .15 | | .05 | .40 | | | .60 |
| Section 3 (Mainstem) | | | | | | | |
| Navajo Settlement | | .05 | | | | | .05 |
| Ute Mountain Ute Tribe | .40 | .10 | .05 | .15 | .05 | | .75 |
| <i>San Juan Subtotals</i> | 1.25 | .25 | .50 | 1.80 | .30 | .05 | 4.15 |
| <i>San Jose (Kerr-McGee)</i> | | | | | | | |
| Indian SP 1: Laguna/Acoma Past/Present Uses | .15 | .35 | .05 | .15 | .05 | | .75 |
| Indian: Navajo claims | | | | | | | |
| <i>San Jose Subtotals</i> | .15 | .35 | .05 | .15 | .05 | | .75 |
| <i>Santa Fe (Anaya)</i> | | | | | | | |
| <i>Santa Fe Subtotals</i> | | | | | | | |
| FEDERAL COURT ADJUDICATIONS | | | | | | | |
| <i>Chama (Aragon)</i> | | | | | | | |
| Section 1 (Mainstem) | .20 | | .20 | .05 | | .05 | .50 |
| Section 3 (Nutrias/Cebolla/Canjilon) | .30 | | .20 | .95 | | .05 | 1.50 |
| Section 5 (Gallina) | .05 | | | .15 | | | .20 |
| Section 7 (TA/Brazos/Rutherford/Chama Village) | .25 | | .25 | .15 | | .05 | .70 |
| Ohkay Owingeh | .15 | | .10 | .05 | | | .30 |
| <i>Chama Subtotals</i> | .95 | | .75 | 1.35 | | .15 | 3.20 |
| <i>Taos (Abeyta)</i> | | | | | | | |
| Non-Indian | .10 | .20 | .55 | 1.55 | | .05 | 2.45 |
| Taos Pueblo Settlement | .05 | .10 | | | | | .15 |
| <i>Taos Subtotals</i> | .15 | .30 | .55 | 1.55 | | .05 | 2.60 |
| <i>Santa Cruz/Truchas</i> | | | | | | | |
| Non-Indian | | | | | | | |
| Indian SP2: Ohkay Owingeh Past/Present Uses | .10 | | .10 | .05 | | | .25 |
| Indian SP3: Santa Clara Past/Present Uses | .05 | | | | | | .05 |
| <i>San Cruz/Truchas Subtotals</i> | .15 | | .10 | .05 | | | .30 |
| <i>Zuni (A&R)</i> | | | | | | | |
| Non-Indian | .25 | | .05 | .05 | | | .35 |
| Indian SP1: Zuni Past/Present Uses | .45 | | .05 | | | | .50 |
| Indian SP2: Navajo Nation Claims | | | | | | | |
| <i>Zuni Subtotals</i> | .70 | | .10 | .05 | | | .85 |
| <i>Jemez (Abousleman)</i> | | | | | | | |
| Three Pueblos | .15 | .20 | | | | | .35 |
| <i>Jemez Subtotals</i> | .15 | .20 | | | | | .35 |
| <i>Nambé, Pojoaque, Tesuque (Aamodt)</i> | | | | | | | |
| Non-Indian | .05 | | .05 | | | | .10 |
| Four Pueblos Settlement | .05 | | .05 | | | | .10 |
| <i>Aamodt Subtotals</i> | .10 | | .10 | | | | .20 |
| CATEGORY TOTALS – ALL SECTIONS | 3.60 | 1.10 | 2.15 | 4.95 | .35 | .25 | 12.40 |